

ZB# 91-34

**C.P. Mans /
Toyota of Newburgh**

14-3-3

#91-34- Mans, C.P. & Toyota of Newburgh - sign

Prelim.

November 25, 1991.

Motion to
table -

may seek smaller
sign to conform.

Fee: ① 150.00
② 250.00

Prelim. 2nd

Jan. 13, 1992.

Motion to Sched. P.H.

CCPD + Notified 1/14/92
need 1/27/92. V. 2/10/92

① Letter of Cuth. ^{here}
from C.P. Mans.

② Copy of Lease

③ Photos of Bldg.
Now.

X Notice FILED to Serial 1/15/92

① New updated
letter from

C.P. Mans -

to Present Ap.
in his behalf. adj.

② Get historical

data on

non-conforming

use of used car

sales lot.

Total square
footage to Mike.

Public Hearing.
Jan. 27, 1992.

Fees: paid 1-17/92.

P.H. adjourned to: 2/10/92

Feb. 10, 1992 (Contd)

Sign Variance

Denied.

(Applicant did not show)

~~4/27/92~~

~~3/1/92~~ ~~5/1/92~~



Gray Line BUSINESS FORM—PRODUCT OF WILSON JONES

RECEIPT

Date July 30 1977 No. 2617219

Received From Tripta G. Newburgh

Address _____

Dollars \$ 150⁰⁰/₁₀₀

For 91-34 2BA Ap. Fee

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK		
BALANCE DUE			MONEY ORDER		

By Lee Legner



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Mans/Toyota of Newburgh, Inc.

FILE # 91-34

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 150.00 pd. 1/17/92

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd. 1/17/92

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE	<u>11/25/91 - 9 pgs.</u>	\$	<u>40.50</u>
2ND PRELIM. MEETING - PER PAGE	<u>1/13/92 - 7 pgs.</u>	\$	<u>31.50</u>
3RD PRELIM. MEETING - PER PAGE		\$	
PUBLIC HEARING - PER PAGE	<u>2/10/92</u>	\$	<u>13.50</u>
TOTAL		\$	<u>85.50</u>

ATTORNEY'S FEES:

PRELIM. MEETING-	<u>.5</u>	HRS.		\$	
2ND PRELIM.	<u>1.1</u>	HRS.		\$	
3RD PRELIM.		HRS.		\$	
FORMAL DECISION	<u>2.3</u>	HRS.		\$	
TOTAL HRS.		<u>3.9</u>	@ \$ <u>150.-</u>	PER HR.	\$ <u>585.-</u>
				TOTAL	\$ <u>585.00</u>

MISC. CHARGES:

<u>Postage - 25 letters @ 29¢ ea.</u>	\$	<u>7.25</u>
TOTAL	\$	<u>677.25</u>

LESS ESCROW DEPOSIT	\$	<u>250.00</u>
(ADDL. CHARGES DUE)	\$	<u>427.25</u>
REFUND TO APPLICANT DUE	\$	

Date 11/22, 1972

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Ruth 389 Moores Hill Rd DR.

New Windsor N.Y. 12553

Posted

[illegible]

January 13, 1992

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PRELIMINARY MEETING: MANS-TOYOTA OF NEWBURGH

MR. FENWICK: This is a request for 20 square foot sign variance to erect a double-faced sign on lot owned by C.P. Mans, located on Route 9W in NC zone.

Mr. Richard Gaillard of Toyota came before the Board representing this proposal.

MR. GAILLARD: I already had one preliminary but I didn't realize that double sided signs counted double. We didn't realize that. I'm allowed 30 square feet. What I want to do is I don't know if you all know the building with the Sunoco sign, I want to eliminate that and in order for me to get the proper visual stuff, exposure, want to put a 5 by 10 one-sided sign up there. It will be aluminum, pretty similar to the one I already have on the other building. It's pretty much --

MR. KONKOL: Right on the building?

MR. GAILLARD: Right on top of the building, yes.

MR. FENWICK: There is not going to be any freestanding sign where Sunoco is?

MR. GAILLARD: No. Like originally, I had a pole I was going to put it on but no, it's going to be, going on the building.

MR. KONKOL: Eliminate the Sunoco pole?

MR. GAILLARD: I think I'm going to keep the frame, take the Sunoco and probably take that arrow off.

MR. FENWICK: What size is the sign?

MR. GAILLARD: 5 by 10, single sided.

MR. TORLEY: How far above the roof line does it go?

MR. GAILLARD: You mean if this is the roof how far is it going above, I don't know, three, four feet, maybe.

MR. FENWICK: What is it now?

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MR. GAILLARD: It is not going to change anything right now. What I want to do is put it on the existing frame so it looks neat and you won't see any part of the frame and stuff like that so --

MR. FENWICK: I think when Mr. Konkol was asking you about the frame, you're talking about the one by the road, isn't there a sign by the road now?

MR. GAILLARD: There is an existing sign post with two lights on it, just a post with lights on it.

MR. FENWICK: Why do you feel you need a sign this size as opposed to 30 square foot?

MR. GAILLARD: Knowing what I have known and knowing what it is on and where it is, this is going on a much larger building, it's going to be higher in the air because it's on the roof. You know, ideally I'd like to get a double-sided sign but it's just not feasible; so, a 5 by 10 will give me the proper exposure and I'm going to say it's going to say sales office, select used cars. So, it is going to be saying it, an additional thing on it.

MR. TORLEY: Going to be illuminated?

MR. GAILLARD: No, that's on the building next door.

MR. FENWICK: Is there any questions.

MR. KONKOL: No questions.

MR. LUCIA: I have a couple questions for points of information. On your previous proposal, you had a sign height variance, is the new sign on the roof going to need some kind of height variance? You say it will be 3 to 4 feet above the roof, is that going to exceed any maximum height?

MR. GAILLARD: I don't think so, no, it shouldn't.

MR. LUCIA: Your previous application was for 19 foot high sign.

MR. GAILLARD: My previous application was for I had on the property there's an existing, I guess sign post with that just now has lights on it but I was going to

put one on that but I didn't realize in --

MR. LUCIA: When you were back here on previous time of November 25th, I think at that point you were proposing a 19 foot height sign maximum allowed was 15 so you needed a 4 foot high variance on that. Now is the height of your building plus the 3 to 4 feet plus the 5 foot height of the sign over 19 feet?

MR. GAILLARD: Yes.

MR. LUCIA: We need a height variance also, are you not?

MR. GAILLARD: I think from what I understand why I needed a height variance because I was going to put a double-sided sign on an existing structure that was I believe it was 30 feet from the road, okay, so I was going to put a double-sided sign on that. When I spoke to Frank whether it was miscommunication or whatnot, I didn't realize or maybe I didn't interpret it properly to him that the double-sided sign is going to count double for the square footage so I was actually proposing a ridiculous amount which none of us realized because none of us realized because we didn't realize it was a double-sided sign, that's why I needed height variance requirement.

MR. LUCIA: You needed a height because of the height of the sign? You're applying for two different variances last time. My question arises because we had this height problem the last time. You have a similar problem on this one. If you do, the Board needs a computation of how high the sign is going to be and a variance request of how much it would exceed 15 feet, if that's the applicable standard.

MR. GAILLARD: So 15 feet high it's, I would venture to say it's going to be double that.

MR. LUCIA: 30 foot high sign?

MR. BABCOCK: Well, maybe I can clear something up here. The sign that you proposed before was a freestanding sign on the post. You're not no longer putting that sign out there?

MR. GAILLARD: No, this is, do you have the two

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different sketches there? Because I handed in, I don't know, I don't know if it was, this is the new one. The old one was on a freestanding one. That was much more elaborate and whatnot. On top of the building it's a metal structure that currently has a sign.

MR. LUCIA: This is the one-story building, is it not? You're above the ceiling of that one story, are you not?

MR. GAILLARD: Right.

MR. BABCOCK: Above the roof line.

MR. FENWICK: Let the record show that Mr. Nugent is here. Are we getting this ironed out?

MR. BABCOCK: Confusion and we might, we don't have it straightened out at this point. Confusion is that he did want a freestanding sign both sides on a pole initially. Which the law says you cannot exceed 15 feet. Now, he wants to put a sign above the roof one sided.

MR. LUCIA: That is even higher than the one he previously needed a height variance on.

MR. GAILLARD: No one had mentioned anything to me about a height variance at the last meeting. What the big question was it was just so many square footage over the allocated amount.

MR. FENWICK: Is this sign going to be any higher than the sign that's there now?

MR. GAILLARD: No.

MR. BABCOCK: There's no, see the requirement for height is on a freestanding sign with the total sign area per establishment not to exceed 10% of the sign wall area and in no event more than 50 total feet subject to 4818. We do have some ordinances that say that it cannot project above the roof. I'm sure you guys are familiar with that. This particular one doesn't. So, I guess it does not.

MR. TORLEY: Peaked roof or something --

MR. KONKOL: It's a flat roof.

MR. BABCOCK: It says that he can have a sign not to exceed 10% of the sign wall area and in no event more than 50 square feet.

MR. TORLEY: I thought you said your sign is going to be above the roof line?

MR. BABCOCK: Right, so we are not going to count sign wall area. We are going to count 50 square feet.

MR. TORLEY: My point is we have regulations that forbid having a sign above the roof line.

MR. FENWICK: Not in this zone. Since we are acting on the interpretation of the Building Inspector, the application the way it reads right now is to your satisfaction, Mike?

MR. BABCOCK: Well, Frank did this and I'm trying to check it right now. Right now it says 10% of the sign wall area in no event more than 50 square feet. He's not doing a sign wall area, he's not putting it on the face of the building.

MR. FENWICK: Okay, in other words, what I am saying you have heard all the arguments and what we are talking about now this is satisfactory to what we are talking about?

MR. BABCOCK: Right.

MR. FENWICK: It is not going to be a freestanding sign, it's going to be the sign that is going to replace that says Sunoco on the building 50 square feet which is about the same you're saying it's about the same size as the sign that's up there now?

MR. GAILLARD: Pretty much so including the arrow and stuff.

MR. FENWICK: It's 20 square foot variance. This is the new application. The last time when he was here there were several things he didn't like. He's just going to go for the sign on the building.

MR. LUCIA: This is a proposal which, as you can tell

from Mike's comments, probably was not exactly anticipated by the drafters of this zoning table. And in a similar vain, the only thing that is really relevant is the maximum size, 50 square feet, not to exceed 10% of the wall area. It is not on the wall so therefore the wall area is zero. Does that make 10% of zero still zero. I just throw that as a question, certainly the 50 square feet is in there so you can use that for some guidance but he's really proposing something that I don't think was anticipated by the drafters of this table.

MR. FENWICK: Anything else you want to check into?

MR. BABCOCK: No, that's exactly what Dan was saying, it really, it deals with the sign wall area.

MR. FENWICK: Since it's not on the wall, it's actually above the building.

MR. BABCOCK: All right.

MR. LUCIA: One other thing if the Board sets you up for a public hearing, we'll need a letter of authorization from Casey Mans, who is the property owner who is authorizing you to go ahead with the application. Bring that to the public hearing with you.

MR. GAILLARD: Right.

MR. FENWICK: Any other questions from the Members of the Board? Dan, can you explain what the fees are.

MR. LUCIA: This is a commercial property so the application fee would be \$150. You can submit that with your application plus a \$250 deposit against town consultant fees and publication and whatever other expenses the town has on it. If that turns out to be in excess, you get a refund. If it's insufficient, you get a bill for the difference on it.

If the Board sets you up for a public hearing, what you need to show when you come back is the practical difficulties you're having in complying with the ordinance limiting your sign area and you seem to be okay on sign height. I think in terms of your practical difficulty, show why it is you need a sign of

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this size. It's a new business and exposure, traffic passes by quickly, if it's a busy intersection, all of these factors which are relevant to why you need this. Exposure in this place at this height, okay?

MR. GAILLARD: Okay.

MR. FENWICK: You're all set.

MR. LUCIA: Are you going to be a leasee of Casey Mans?

MR. GAILLARD: Yes.

MR. LUCIA: Do you have a lease?

MR. GAILLARD: Yes.

MR. LUCIA: Bring that in and a copy of the deed. If he's got title policy or search, bring in that and the Board would like to see pictures of the building with whatever signage is there now, couple different views so they can see visually where the sign is going to be.

MR. GAILLARD: Okay.

MR. FENWICK: Motion to set him up for a public hearing?

MR. TORLEY: I'll move.

MR. KONKOL: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

Date: March 11, 1992
FAX: 914-563-4693

1763

RE: ZONING BOARD OF APPEALS - APPLICATION # 91-34

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$427.25. (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

cc: C.P. Mans

cc: Applicant

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

-----X

In the Matter of the Application

of

DECISION DENYING
SIGN VARIANCE

C.P. MANS and TOYOTA OF NEWBURGH, INC.

#91-34.

-----X

WHEREAS, C. P. MANS of P. O. Box 247, Vails Gate, New York, 12584 and TOYOTA OF NEWBURGH, INC., a corporation having an office located at 96 Route 9W, New Windsor, N. Y. 12553, have made application before the Zoning Board of Appeals for a 20 sq. ft. sign area variance for a proposed sign to be located above the roof at property located at 334 Route 9W, New Windsor, New York which is owned by the applicant, C.P. MANS and leased to the applicant, TOYOTA OF NEWBURGH, INC., in an NC zone; and

WHEREAS, a public hearing was held on the 27th day of January, 1992, and adjourned to, and continued on, the 10th day of February, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, N.Y.; and

WHEREAS, Richard Gaillard of TOYOTA OF NEWBURGH, INC., was present at the public hearing on the 27th day of January, 1992 and spoke on behalf of the applicant, in support of the application; and

WHEREAS, no one appeared to speak in behalf of the applicant at the adjourned public hearing conducted on the 10th day of February, 1992; and

WHEREAS, the public hearing was attended by a number of spectators, one of whom spoke in opposition to the application, to wit, John Kaknis, of 107 Chestnut Drive, New Windsor, New York, an owner of land in Lacey Field, which is located across Route 9W from the subject parcel and which has a view of the subject parcel and its signage, who opposed the application both individually and as president of the Lacey Field Homeowners Association, on the grounds there were already too many signs in the area which are very visible from the homes in Lacey Field, and that the signs in the commercial area were beginning to impede (sic) upon the residential area; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking to construct a sign above the roof at the above-described premises, which are used as a used car sales facility.

3. The applicant's proposed sign area exceeds the bulk regulations for signs in the NC zone by 20 sq. ft.

4. The evidence presented, and the Board's familiarity of the area and a prior application made by W. S. Craig, as owner, and Toyota of Newburgh, Inc., as lessee, for both sign area and sign height variances upon the immediately adjacent parcel of land, both of which were granted by this Board previously, showed that the premises which were the subject of the prior applications and the premises which are the subject of the instant variance application, although there are separate tax lots in separate ownership, are devoted to the same use, to wit, used car sales by the lessee-applicant upon both variance applications.

5. The evidence presented by the lessee-applicant at the January 27, 1992 public hearing indicated simply that he sought the instant variance in order to obtain additional exposure for his business and additional advertising space, therefor.

6. The public hearing was adjourned to, and continued on, February 10, 1992 because this Board found that the application was deficient in several particulars, and desired to have the applicant's input on these issues before voting upon the requested variance. Specifically, this Board had requested at a preliminary meeting upon this application that the lessee-applicant bring to the public hearing, a proxy from the owner-applicant granting the lessee-applicant permission to present the instant application for a variance to the Zoning Board of Appeals. It appeared from the record that the owner-applicant had granted permission to the lessee-applicant to install a sign on top of the building. It is the finding of this Board that this statement by the owner-applicant is not sufficient. This Board requested, a specific proxy from the owner-applicant and the submitted statement is not broad enough to grant the lessee-applicant permission to present the instant application for a variance. In addition, this Board requested that the applicant make a computation of the total sign area presently exhibited upon the adjacent parcel of real property, owned by W.S. Craig for which a sign area variance was previously granted, in order to determine if the presently existing signage on that parcel exceeds the maximum sign area permitted by the previously granted variance. The Board desired to have this information submitted before considering the instant application for a sign area variance upon the adjacent parcel owned by applicant-owner, C. P. Mans. Finally, it appeared that used car sales are not a permitted use in the NC zone. Consequently, this Board requested that the applicant submit evidence on the issue of whether used car sales on this lot constituted a pre-existing, non-conforming use, and, if so, whether that use had been discontinued on this lot for a period of two or more years. The Board desired to have the applicant submit this evidence prior to voting upon the instant variance application since the Board

wished to consider whether the use of the subject parcel was a legal use under the applicable zoning, before voting upon a variance request for a sign which will advertise the existence of such use.

7. No representative of either the owner-applicant or the lessee-applicant appeared at the continuation of the public hearing on February 10, 1992. As a result, no evidence was received by this Board, from the applicant, upon the issues which were unanswered at the January 27, 1992 public hearing and upon which this Board desired to receive evidence before voting upon the instant variance application.

8. At the February 10, 1992 continuation of the public hearing, this Board received evidence from Michael Babcock, the Town of New Windsor Building Inspector, that it appeared that used car sales upon the parcel of real property which is the subject of this application, was an illegal use since he could find in the files no record of any approval for used car sales at the subject site.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The evidence shows that the owner-applicant failed to grant permission to the less-applicant to present the instant application for a variance to the Zoning Board of Appeals. In the absence of an adequate written proxy, granting permission to the lessee-applicant, this Board is unable to consider the instant variance application.

2. The failure of the applicant to appear at the February 10, 1992 continuation of the public hearing, and the failure of the applicant to present evidence upon the issues which this Board indicated it desired to receive further evidence at the January 27, 1992 public hearing, is deemed by this Board to be an abandonment by the applicant, of the instant variance application.

3. This Board will not consider the instant variance application until such time as the applicant is able to establish that the sign which is the subject of the instant application will advertise a use which legally exists upon the subject premises.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a sign area variance of 20 sq. ft. as requested above in accordance with plans presented at the public hearing and on file in the Building Inspector's office.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 9, 1992.

Chairman

PUBLIC HEARING: MANS/TOYOTA OF NEWBURGH, INC.

MR. FENWICK: This is a request for 20 foot sign variance on property located on Route 9W to be used as a used car lot in an NC zone.

Mr. Richard Gaillard came before the Board representing this proposal.

MR. GAILLARD: I have pictures of the existing sign, what we wish to replace. It's the same basic setup as we have now.

MR. LUCIA: One of the things we asked for was a proxy or permission from Casey Mans.

MR. GAILLARD: I have a letter.

MR. LUCIA: The interesting thing is what Casey said he doesn't mind if you put a sign on the roof. That was something different than what we were asking for. The intent was there, what we were asking for was that he allow you to present this application to the Board. I don't know if the Board is concerned with that or not. I'll leave it up to you.

MR. KONKOL: I think in the case of Casey Mans, he should give us a letter giving us his intent. We have had experience with him in the past and he doesn't hold to his word. He doesn't, I'd like to see a letter.

MR. NUGENT: Can I see the sign that he's proposing?

MR. GAILLARD: It's pretty much the same as what's on the other building.

MR. FENWICK: Okay, proceed to tell us what you want to do and why you need a variance to do it.

MR. GAILLARD: Basically, with the existing structure that's up there right now, I want to, our whole idea behind the whole neatening up of the lot and making it presentable and, you know, the fixing up of the building and now basically the last step is the sign. And, I'd like to remove the existing Sunoco sign that's up there, it's an eyesore to us and it's an eyesore to everyone that drives by it, kind of reminder of the

nightmare that used to be there.

I have applied for a 5 by 10 sign, I think, I think that's adequate because it's up there and it's, you know, it's a little higher in the air to fit on that structure. Basically, you know, I need a sign for my advertising. Basically, neaten up what is there.

MR. FENWICK: Are you planning on putting up the new sign as high up on that frame as that one is?

MR. GAILLARD: No, see this sign is actually sitting on top of the frame. This is the top of the frame right there and then the sign is sitting on top of that so probably can, you know, go even with the frame so you wouldn't see anything sitting above the sign.

MRS. BARNHART: On the roof itself.

MR. FENWICK: Is the sign going to be from the roof line up or actually above the roof?

MR. GAILLARD: It's going to be above the roof, it will go from the bottom of where you see Sunoco down so you'd actually see a space between the roof and the bottom of the sign.

MR. FENWICK: Okay.

MR. TORLEY: This sign will be illuminated?

MR. GAILLARD: No, it will be an aluminum sign like the one I have on the building next door.

MR. KONKOL: Mike, I have a question, the existing building this is another building, this is the old Sunoco station and they have the building which is where they are operating out of now. And we gave a sign variance for the two-sided freestanding sign not to long ago. Now, the signs on the building, that building, now since this is one business and it's all together, are they in excess of what is permitted? Seems to me there is an awful lot of signs on there.

MR. BABCOCK: Without looking at it, I don't think I can give you a fair answer. I know that the Board did grant a variance for the one sign on an existing pole that was out there before.

MR. GAILLARD: We denied that, we decided --

MR. KONKOL: I'm referring to the other building that you're operating now. We okayed a variance on that sign but in addition, I note that you have a metal sign on the front of the building and you have a big awning on the building which has Toyota up the corner and you have a two-sided Toyota sign on top of the roof. You have a two-sided Toyota sign, these signs seems to be coming out of the woodwork and I think they are in excess of what is permitted now. You want a sign on this building here even though it's a separate piece of property, it's still one business.

MR. GAILLARD: There's nothing on that new building that relates to our business.

MR. KONKOL: That is besides the point. You're not talking a mile, you're talking 50 feet away. There's an excess of signs there now. We are talking about a 30 square foot allowable sign which pertains to a freestanding sign and you're asking for a 20 foot variance and we're using the wall for a guide, we can't do that. This is a rooftop sign and this thing is up in the air probably 10 or 12 feet above the roof of the building.

MR. BABCOCK: I think we touched on that at the last meeting that I'm allowing him 30 square feet, that is the allowable amount of sign he would be able to put on the face of the building.

MR. KONKOL: Not on top of the roof, on this other sign.

MR. BABCOCK: There's certain ordinances in the code that prohibits the signs being above the roof line and in this particular zone, we checked that last time it doesn't prohibit it to be above the roof.

MR. TANNER: Why can't the sign go someplace besides on the roof? Why does it have to be on the roof?

MR. GAILLARD: There's an existing structure there now.

MR. TANNER: That's ugly to start with.

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MR. GAILLARD: Which is going to be eliminated. The majority is going to be hidden behind there.

MR. TANNER: Why can't it be at a lower height?

MR. GAILLARD: The roof, you have slant so you'd be looking at the sign on an angle and there's really nothing on the outside of the building, if you were going towards Newburgh, there's really not a, you know, a support for the sign between the two garages.

MR. TANNER: As I look at this, you have right here it says Toyota, why can't you put sales office next to that and be done with it?

MR. GAILLARD: This right here, this is only, this banner is about two feet, it doesn't really give that much exposure being sandwiched between the window and the overhang.

MR. TORLEY: Sir, both the new and used cars are under the same corporation?

MR. GAILLARD: Yes.

MR. TORLEY: Then it's two buildings.

MR. GAILLARD: They are not used cars.

MR. NUGENT: New cars are down on 9W.

MR. KONKOL: Incidentally, in the bulk tables used cars are not permitted in a neighborhood commercial so I don't know whether they are permitted or they are not permitted in a commercial zone but not in an NC so I don't know whether Mr. Mans or Mr. Craig have the right to be operating there when they bought the property after zoning or before zoning.

MR. FENWICK: I'm sure Craig worked that out.

MR. TANNER: Did he own it then when it was --

MR. TORLEY: Correct me if I am wrong, if you have a nonconforming use and it changes ownership, the rights vanish, don't they?

MR. BABCOCK: No, nonconforming use indefinitely but

you can never change it to another nonconforming use without special permit from this Board or enlarge it more than 30%. I have to be honest with you, it's just to me, it seemed liked like that has been the use for that property for quite a long time now. Just and I'm just, I've never checked it to see if it has got a legal use there or not. Only because it's been that way forever since I remember.

MR. TANNER: It's been a gas station.

MR. BABCOCK: It's been a car lot, trailer lot.

MR. FENWICK: Isn't there a period of time when it stops becoming one, a nonconforming use that it loses that?

MR. BABCOCK: If the nonconforming use doesn't engage in business for a period of two years, then it would lose it's nonconformity.

MR. FENWICK: So, a gas station is not going back in there according to law, I would say.

MR. BABCOCK: Yes.

MR. TORLEY: Your point is important, if it's one business how can we just --

MR. KONKOL: That is what I'm trying to say, there's so many signs on this building, I don't recall them being presented at the last time the variance was given for the other two signs. All of a sudden I see a lot of coverage out there. No question, we know it's Toyota, it's all over the place. I think you're in violation now with the existing number one building. Now, you want a sign on this building, you even have a banner across the side of the building which acts as a sign in accordance with the zoning code, it's a sign. So, that's in addition. So, I think that ought to be reviewed first how much sign coverage does he have. Certainly, you can't use the laws as cited in the, in Mike's report here and you can't take a freestanding sign and apply it to a sign that's on top of a building. You can't take wall signs, you want to take 10% of the banner that's on that wall now, you'll end up with a sign that's about 5 foot square. So, I think there's an awful lot of ambiguity here that should be

checked out first.

MR. LUCIA: I agree with you. The two critical points whether or not this is a legal business or whether this is a business that has rights to be in this particular location. I don't know the answer to either of those.

MR. FENWICK: That is not whether that business is legal or not is before this Board right now, just the size of the sign, for this one particular sign on this one particular piece of property and that's all we are looking at right now.

MR. KONKOL: Yeah, but this sign pertains to the business regardless if it was six buildings, it's one business.

MR. FENWICK: I'm not going to argue that point but the only thing that's being addressed right now is this. However we arrive at the decision based on whatever, this is what is before us right now.

MR. KONKOL: That's all we're considering?

MR. FENWICK: That's right. And as far as whether the sign is based on size or freestanding or whatever, we have got to work off of what Mike's interpretation is right now.

MR. BABCOCK: He doesn't actually, by putting a sign on the roof of the building, there is no ordinance that provides for that.

MR. FENWICK: It's up to your interpretation what you put before us.

MR. BABCOCK: If you gentleman remember when he came in first time, it was a freestanding sign that he wanted to put up. That is where the regulation came from and then when Frank wrote this up, they were not aware that it was a total sign both faces so we changed it again on that. And then we just stuck with 30 square from the last, from the preliminary meeting.

MR. FENWICK: They have changed things as per our request from the first meeting.

MR. TANNER: Mike, is the frame considered part of the

sign too in this light it would be on a freestanding one?

MR. BABCOCK: Well, we don't include the post or the size of the post in the square footage of the signs, normally we don't.

MR. TORLEY: There is no trouble with height on this variance from the property lines.

MR. BABCOCK: There is nothing that addresses that, that's the problem.

MR. TORLEY: The top of the sign is the top of the building now, is that the building?

MR. BABCOCK: It's going to be lower than what is there so we have all went on the, at the preliminary meetings, we have all went on based on what is there now and he's going to make it less restrictive because he's lowering it somewhat.

MR. KONKOL: If he's permitted, if you want to use that guidance of the 30 square foot, why can't you put the 30 foot on the side of the building? There's room underneath the soffit there.

MR. TANNER: There's room under the soffit but --

MR. KONKOL: My question is, is he in excess now? And I'd like an answer on that.

MR. BABCOCK: I think what we are going to have to do is ask the applicant to give us the square footage of the signs that he has on the building at this point in time. If he has a window sign, I'm not sure exactly what you're talking about.

MR. KONKOL: I'm going by he's got the freestanding sign which we already varied.

MR. TANNER: You're talking on the first building?

MR. KONKOL: He's got a metal sign on that building which is probably 2 1/2 by 12 feet, he's got a large fiberglass awning with Toyota, he's got two sides running up the side of the building with Toyota and it's got a roof sign two-sided with Toyota. And there

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is a banner that's strung across there and that when it's fastened to the building is considered a sign, am I correct on that?

MR. LUCIA: I think it would be. It doesn't show through the window so --

MR. KONKOL: So, it's on the side of the building whether it's tied or glued on.

MR. GAILLARD: That's a temporary, the banners are temporary, especially the one on this building right here.

MR. TORLEY: Not for more than ten days in any one month period. How long has the banner been on?

MR. GAILLARD: About ten days, a month, two months maybe.

MR. BABCOCK: In the sign ordinance, they are allowed 30 days. I think all you gentlemen know the sign ordinance is in great need of updating.

MR. KONKOL: I think you run a nice operation, but it has to be cleaned up as far as complying to the law. We can't just have the thing looking like a carnival down there.

MR. TANNER: On that first property, for being a small piece of property, it seems to have a tremendous amount of signs.

MR. GAILLARD: The one, I mean on the two-sided sign, you know all the proper steps were taken. I don't think the one on top of the building -- again that was always there. We just repainted the face of it. The one --

MR. KONKOL: Still a sign.

MR. TANNER: And you added the ones on the corners. I don't remember that coming before us at all.

MR. GAILLARD: I didn't, actually I didn't think that on the corner signs and in the banners, Toyota didn't realize whether they'd be temporary or not would be considered a sign.

MR. KONKOL: The awning is a sign, there's no doubt about that.

MR. TORLEY: I'd like to adjourn the public hearing until we get the rest of the data.

MR. FENWICK: Well, as far as that goes, I'd not like to do that. I'd like to open it to the public before we do that.

MR. LUCIA: That's fine. If you adjourn it, I think you're going to give the public a right to speak at the adjourned hearing also.

MR. FENWICK: This may give us a little more insight. I'm just reading back over the last minutes. Any other questions from the Members of the Board? At this time, I'll open the meeting up to the public. Give your name and your address and if someone else is here to speak, try to listen to the first speaker, don't be repetitious.

JOHN KAKNIS: My name is John Kaknis. I live at 107 Chestnut Drive. Our driveway opens onto 9W; so, when you stand in my driveway you can see this whole stretch of 9W with no problem. I am here as a homeowner of Lacey Field and also as President of Lacey Field Homeowner's Association.

I'm here to present a petition for adjournment on the appeal until sufficient time is given to obtain necessary information to determine if a variance would adversely affect the homeowners of Lacey Field and adjoining properties. I'd ask the Board to consider that we received notices postmarked the 17th of January basically five working days is not really enough time for people of that area to get together, and discuss, find out information about what is going to be proposed here. I tried to find out what Section 4818 and 4812 are. I have no idea what that means and nobody could, when I called, they said come to this meeting. I'd like to, you know, consider that how negative that sign would be up there, I didn't know what it would be until I came here. So, we need to know the exact dimensions of it and all of us look at this area and it's our homes, there's a beautiful view of the Hudson River there. There's also cars and things and, you know,

it's a community that is residential next to a commercial area. And that is creating a little bit of a problem.

For at least about a year and a half now, the Toyota telephone has been patched outside; so, whenever anybody calls Toyota, that phone rings outside through a public announcement system. If you call there at 3 a.m., even though they are not open, that thing rings outside. If you call on Sunday, that thing rings outside and it's a very detrimental to the people in our area as it being residential community compared to a commercial community. Someone did and this was brought up about what that area is designated for. The tax map has a surface gas station not as a used car lot. We'd ask for that to be clarified and, you know, that Sunoco sign not, is not real nice, it looks horrible when you look out your back window.

So, I present this petition signed by people of our area. So, until we were able to come here and understand what was going on and that possibly the next meeting be able to come with a little bit more understanding of what is there.

MR. FENWICK: According to the law, you have been notified as per law in a timely fashioned.

MR. KAKNIS: The 17th?

MR. FENWICK: It wasn't sent on the 16th, you received it on the 17th, that's pretty good for the mail.

MR. KAKNIS: I thought New York State was five business days.

MRS. BARNHART: It has to be postmarked ten days before the hearing.

MR. KAKNIS: Working or regular days.

MRS. BARNHART: Just days.

MR. KAKNIS: I wish there was more time, it wasn't possible, Super Bowl Sunday trying to get that thing signed.

MRS. BARNHART: That's not what it says in the code.

MR. KAKNIS: I didn't know. Is there a certain number?

MR. FENWICK: There are 38 names on this petition.

MR. KAKNIS: If there had to be more than that, in terms of a petition, I'd get them.

MR. TORLEY: No said number.

MR. KAKNIS: Those are mostly people in Lacey Field. There are about 60 homes in Lacey Field. Those are mostly people that would be affected some way, shape or form. I didn't think it would be necessary for people to go to the other side for people who don't see this or drive to their home don't see this.

MR. FENWICK: Do you have any other comments?

MR. KAKNIS: No, thank you.

MR. FENWICK: Anyone else that would like to speak on this matter? If not, I'll bring it back to the Members of the Board.

MR. TORLEY: I renew my request that we adjourn this until we have the additional data.

MR. KONKOL: If you want to make that as a motion, I'll second it.

MR. TORLEY: Subject to the Chairman's pleasure, move that we adjourn this public hearing.

MR. FENWICK: I want to make sure when Mr. Gaillard leaves here, he knows what is being requested.

MR. TORLEY: The data I want him to have whether the total signage exceeds the permitted use and frankly, I want to know about the, whether the used car lot activity is permitted. I see no point in granting a sign variance for an activity that is not legally permitted.

MR. FENWICK: I don't know how the law reads on that. We don't address the content of the sign, we address the size of the sign.

MR. LUCIA: That is correct. I think signs, the issue has been raised, it probably should be dealt with in some form. I think to grant the man a sign variance for a use that is not permitted puts us in a seemingly untenable position. So if there's a question of use, before the Zoning Board of Appeals and the Zoning Board of Appeals is the one that handles use, then maybe that ought to be explored at this point. Technically, you're right, if it's a nonpermitted use, that in and of itself probably does not prohibit the granting of a sign variance but if he gets a sign variance to put up a sign that can't exist there anyway, what's the benefit.

MR. GAILLARD: So, there's another case being opened up now as to --

MR. LUCIA: It's potentially a case. If the way the zoning ordinances are written anything that is not specifically permitted is prohibited. Essentially, that is how we get here and your sign on the roof. The ordinance is silent in the case as to putting signs on the roof. You could have a wall sign. Therefore, by implication signs on the roof are prohibited and you need a variance to put one on the roof which is why you're here as well as the area of the sign you plan to put on the roof. Essentially, the same thing applies to the use if a used car lot is not permitted in the zone, you'll need a use variance to operate one there.

MR. GAILLARD: My whole motive seems like all these things are being opened up now in reference to the community that lives there, they look out on this and they see this atrocious looking sign everyday and my whole motive for doing this was to take it down and put up a, you know, neater, smaller, more modern looking sign.

MR. KONKOL: I don't know whether a 5 by 10 foot sign whether it's mounted white with Toyota on it is going to be any better looking than the old Sunoco sign up there. And I don't know how the signs are in the Town of New Windsor, Mike, but in other areas, I know rooftop signs require a bond because they do fall over. I have, as I have said before, I have nothing against your business. I think you have a nice little business there but I think this Sunoco sign could come off and you could go according to the mansard of the roof with

a nice sign that could conform, a 3 by 10 sign or something like that and then you wouldn't need a variance.

MR. GAILLARD: If I take down the Sunoco sign and just put a sign 3 by 10 --

MR. KONKOL: We're using that as a guideline, you don't need a variance but I'd like to see what the coverage on the number one building is.

MR. TANNER: I'd feel more comfortable with a sign down on the building myself. I don't particularly like that up on the roof.

MR. KONKOL: That thing is antiquated and the bolts are rotted someday it's going to come off and somebody is going to get hurt. So, what I'm saying, I feel the Board feels that putting a sign on the building complying with the ordinance of the 30 square foot which I think is sufficient maybe straightening out your other signs, if they are in order fine, leave them alone but I don't think they are complying.

MR. GAILLARD: So, if I'm not in compliance with the other signs, 30 square foot --

MR. KONKOL: On the building it would be acceptable to me, I don't know how the other Board members feel.

MR. TORLEY: I'd have to ask perhaps Dan can give us an opinion whether other concerns about the signs on one company with two buildings how that applies across the other buildings in the same use. If he has all the signs he's allowed on one building, is he allowed anything on the second?

MR. NUGENT: I don't know how you are going to address that, it's two separate lots.

MRS. BARNHART: Two separate lots, two separate owners.

MR. KONKOL: But it's one business.

MR. LUCIA: There isn't any blanket law that I know of. Certainly they are relevant factors you can consider. If he's operating as a single business in two separate buildings on two separate lots and he elects to put a

large amount signage for which he already has a variance on one of those lots, yes, it may be relevant for scaling him down for signage he wants on the second lot. He's permitted some signage on the second lot. And if he had signage that complied, he wouldn't be here at all. The fact that he's coming in for signage on the second lot that also exceeds the minimum or maximum sign area requires him to come here and we can't consider what's being granted previously as well as what is already up.

MR. FENWICK: I'd like to read into the minutes petition that's presented. It says:

We the undersigned members of the Lacey Homeowners Association respectively request an adjournment of the public hearing pursuant to Section 48-34A of the zoning Local Law regarding Appeal #34. Request of Casey Mans and Toyota of Newburgh, Incorporated for a variance pursuant to Section 48-18 and Section 48-12 until we are able to conduct a meeting 60 days from the scheduled date of this hearing to obtain copies of said sections and discuss the possible adverse effects on the residents of Lacey Field Subdivision.

And it's signed by approximately 38 people.

We have a letter from the Orange County Department of Planning and Development who do not care what happens on this end of the county. And it says, there are no significant economic or countywide considerations to bring to your attention. It's signed by R. Vincent Hammond, Deputy Commissioner and it's signed on the 24th of January.

I don't know what we are going to achieve here by adjourning this. My thoughts are is the Board pretty negative about this whole thing and I can't see it becoming a positive thing. If you want and adjournment, I'll give you an adjournment. The only thing we have is we have a request for 20 square foot variance in front of us and whether we look at all these other items they should be looked at but that is not what is before the Board right now.

MR. KONKOL: I disagree. I think we have a right to find out how much signage he has there now. He may be

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in violation. I don't think we should pass on this.

MR. FENWICK: Just because we vote on it doesn't mean it's granted.

MR. KONKOL: About the adjournment, I think it's in order.

MR. TORLEY: Normally, I like the idea of coming to a decision quickly so we don't delay the persons life anymore than we have to but in this case, I don't think we have enough information to really make a valid decision. I don't want to say yes or no on something.

MR. FENWICK: Motion to adjourn?

MR. TORLEY: I made that motion.

MR. KONKOL: I'll second it.

MR. FENWICK: Could I just ask that the motion have added to it a specific date that you want it adjourned to, the next meeting on February 10th or --

MR. TORLEY: Fine.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. KONKOL: Do you understand what you have to do? You have to take this square footage of the signs that are existing now pertaining to Toyota and give them to Mr. Babcock so he can determine if they are in order there. Is that right, Mike? He has to give you the existing sign coverage now?

MR. GAILLARD: And what they are classifying as a sign is anything that is lettered on the building?

MR. KONKOL: The banners are classified as signs.

MR. GAILLARD: I can take the banners down.

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MR. TORLEY: Doesn't count if it's inside the window.

MR. TANNER: You know the repair shop sign that you have to say with a number is that part of the sign coverage?

MR. BABCOCK: We normally do not consider that.

MR. TORLEY: Asking the attorney what kind of information we'd need to satisfy the questions we have about whether the used car operation meets the pre-existing nonconforming use.

MR. LUCIA: The applicant is going to have to get some historical information, whether from Casey Mans or predecessor in title as to the use of the property. Because, it appears that a used car sales location is not permitted in an NC zone so it could only exist there by virtue of a pre-existing nonconforming use that can be historical data as to what's been on the site. So, whatever you can come up with.

MR. KONKOL: In the same time, can you incorporate it in the letter saying the one you asked about the question here.

MR. GAILLARD: The intent of putting on the sign?

MR. LUCIA: Sure.

MR. GAILLARD: So, the letter I have basically is just giving the landlord, giving me permission to put a sign on the property, you want a letter.

MR. LUCIA: Stating that he's authorizing you on his behalf as the property owner to present this application for a variance. Yes, he maybe a good one to obtain the historical data from also.

MR. GAILLARD: Time will tell. From my own knowledge, 3 by 10 sign being put on the building.

MR. KONKOL: Mansard which would look very nice.

MR. GAILLARD: But until all this other stuff is found.

MR. KONKOL: Maybe you find if you are over we can take

one of the signs off of the other building to make it conforming.

MR. GAILLARD: Or I'm going to have to try now to put a 3 by 10 on it, 30 square foot that's the variance I'm going to have now.

MR. KONKOL: That, you don't need a variance for that.

MR. LUCIA: That's your other alternative.

MR. BABCOCK: He's going to need variances only for the reason if he intends on keeping the signs up there that he has now that's going to be included.

MR. GAILLARD: If I wanted to put a 30 square foot sign on the new building --

MR. BABCOCK: If you're over that now, you can't put it up, that's the thing.

MR. GAILLARD: So, I can't do anything until we meet next meeting?

MR. KONKOL: And you should eliminate the Sunoco sign, make your neighbors happy.

MR. NUGENT: If he took that off the roof --

MR. BABCOCK: He's allowed 30 foot, I'm going to have to check that number but my, the way Frank wrote this up, he's allowed 30 square foot total so if he already has --

MR. NUGENT: He doesn't have anything on that building.

MR. BABCOCK: Sure he does.

MR. GAILLARD: This is a temporary banner.

MR. BABCOCK: Doesn't look like a banner.

MR. FENWICK: It is a banner.

MR. BABCOCK: So, that would be the only sign.

MR. GAILLARD: That sign will be removed, I can remove the other banner.

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MR. NUGENT: If he took the one off the roof and the banner down, he can put a 30 footer on without ever having to come back.

MR. GAILLARD: Right now you can.

MR. NUGENT: Right now.

MR. LUCIA: And then withdraw this application.

MR. BABCOCK: Unless he's not supposed to be there.

MR. GAILLARD: Can I take this Sunoco down and put a 30 square foot sign up and put this to bed, I mean --

MR. KONKOL: No, at this point tentatively off the cuff, yes but we should clear this up since it's opened up.

MR. TORLEY: You can take that sign down and put up a banner, the temporary sign.

MR. GAILLARD: Well, I'm going to take it off.

MR. FENWICK: Let's be careful what we're saying what you can and what you can't do right now, interpreted by the Building Inspector and right now he said he can put up a sign and be legal at 30 square foot someplace, it's not up to us to tell him what the law is.

MR. GAILLARD: I can't do anything until this is looked into further.

MR. FENWICK: If somewhere in this application it says you can have a 30 square foot sign, then that would probably be legal as far as the Building Inspector is concerned. This will be adjourned until the second meeting which will be February 10th, I believe. At that time, it will be opened up again.

[illegible]

PUBLIC HEARING (CONTINUATION): MANS/TOYOTA

MR. FENWICK: This is a continuance of public hearing for 20 square foot sign variance at property located on Route 9W in NC zone. Applicant to produce additional data.

MR. FENWICK: Is someone here from Mans/Toyota?

MR. LUCIA: I'd be very surprised if we're going to see somebody on this, to tell you the truth.

MR. KONKOL: Keep the checks.

MR. FENWICK: We have the checks and the checks are made out. That is part of the application no matter what. Since the applicant is not here this evening, is there any reason why we can't continue with the public hearing without the applicant?

MR. LUCIA: No reason whatsoever.

MR. FENWICK: Okay, I would like to suggest that we do that. Let's get it over with, let's get it closed off. Anyone here with reference to the Mans/Toyota application, come up here and sign your name and address, please. Any questions from the Members of the Board? We don't have the applicant here.

MR. KONKOL: Last time we asked Mike to give us what they have now and were they in violation?

MR. BABCOCK: Well, the research that I found and could do and what I found on the different uses of the building I found no use that was ever approved for that so it was in my opinion since I couldn't find that they ever had an approval to do that that they were in violation of use in premises. I have made them knowledgeable of that. I have also made Casey Mans, the owner, of the property knowledgeable. They have contacted their attorney and their attorney has contacted mine. I'm not sure where that sits at this time. So, as we speak, right now, it's in our opinion the Town of New Windsor, that it is an illegal use of the property.

MR. FENWICK: Any other comments from the Members of

the Board at this time?

MR. NUGENT: I don't see any reason for us to go on any further.

MR. FENWICK: We have to hear from the public. I'll open it up to anyone from the public who wishes to speak on this matter.

JOHN KAKNIS: I'm here to speak but I don't know what I would speak about.

MR. BABCOCK: Just the sign, we're here tonight for the sign.

MR. KAKNIS: John Kaknis, 107 Chestnut Drive. I was here last time. There is a lot of signs there and people I have spoken to feel that it, the commercial area is impeding on the residential area with all the signs. There is a large Sunoco sign that may not have any bearing on what they are doing now. I'd like to have that clarified if it is going to come down or if you're not going to vote on it or vote against it then I'm just not saying much. But, people in that area see that it's very visible from our homes and like to keep the area looking nice. That's all I have to say.

MR. FENWICK: Thank you. I'll close the meeting to the public and open it back up to the Members of the Board. Questions, comments?

MR. TORLEY: I think you're right, if we have no evidence that this is a permitted use at this time, I see no reason to pursue to allow for a sign for illegal, it seems silly.

MR. NUGENT: How should we handle it, just say that it's tabled?

MR. FENWICK: No, we can vote on it.

MR. LUCIA: He's submitted an application and he's showed up and did a presentation at the first part of the public hearing. I suppose the easy way out we asked him from the very preliminary that he had to come in with a proxy from Mr. Mans, he has a letter saying he can put a sign on the roof but nothing about the application before the Board. You can deny on the

basis that we have no authorization from the owner to entertain this application and it voids all the other thorny issues. We did specifically ask for the things that he was supposed to come back with, were number one that proxy, number two he was supposed to compute the total sign area on the lot next door and come back with that figure because it might be relevant because he's asking for a variance on this lot and also supposed to come back with evidence from Casey Mans on whether the new car lot is a pre-existing nonconforming use. I noted in going over his application he said that the site had been used as a repair garage for the past several years. That is clearly a different use than the existing used car lot. So, the applicant really has not come back with anything we asked him for. I think we can deny it on the basis that you don't have an authorization from the owner and number two that the applicant has not submitted what you asked him to submit.

MR. TORLEY: I'd like to wrap this up. I'd move to grant the variance.

MR. NUGENT: I'll second it.

ROLL CALL:

Mr. Torley	No
Mr. Nugent	No
Mr. Tanner	No
Mr. Konkol	No
Mr. Fenwick	No

MR. BABCOCK: You should either authorize Dan to give me a memo what the extra fees are from the Board and they are going to have to come in for the approvals and I'll make sure that I'll get those fees collected.

MR. FENWICK: That is fine.

MR. BABCOCK: I'm sure they are going to obtain approvals from the Planning Board to be there.

2/10/92 Public Hearing: # 91-34. Mans/Toyota (Cont'd)

Name

Address:

John Kukiis

107 chestnut Drive



MARY MCPHILLIPS
County Executive

Rec'd. ZBA
1/27/92 (P13)

**Department of Planning
& Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

PETER GARRISON *Commissioner*
VINCENT HAMMOND *Deputy Commissioner*

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. 1 92 M NWT
County I.D. No. 14 / 3 / 3

Applicant C.P. Mans

Proposed Action: Area Variance - sign

State, County, Inter-Municipal Basis for 239 Review Within 500 ft. of US Rte. 9W

Comments: There are no significant inter-community or countywide considerations to bring to attention.

Related Reviews and Permits _____

County Action: Local Determination XXXX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

1/24/92

Date

Vincent Hammond
D P & D Commissioner

Rec'd & filed 1/27/92
ZBA.

(38)

WE, THE UNDERSIGNED MEMBERS OF THE LACEY FIELD HOMEOWNERS ASSOCIATION, RESPECTFULLY REQUEST AN ADJOURNMENT OF THE PUBLIC HEARING PURSUANT TO SECTION 48-34A OF THE ZONING LOCAL LAW REGARDING APPEAL #34, THE REQUEST OF CASEY P. MANS AND TOYOTA OF NEWBURGH, INC., FOR A VARIANCE PURSUANT TO SECTION 48-18 AND SECTION 48-12 UNTIL WE ARE ABLE TO CALL AND CONDUCT A MEETING (SIXTY (60) DAYS FROM THE SCHEDULED DATE OF THIS HEARING) TO OBTAIN COPIES OF SAID SECTIONS AND DISCUSS THE POSSIBLE ADVERSE AFFECT ON THE RESIDENTS OF LACEY FIELD SUBDIVISION.

<u>John Kahrin</u>	RESIDING AT <u>107 Chestnut Drive New Windsor</u>
<u>Mary Jane Kahrin</u>	RESIDING AT <u>107 Chestnut Dr. N.W., NY</u> ¹²⁵⁵³
<u>Carle D. Wells</u>	RESIDING AT <u>104 Holly Drive</u>
<u>Doug M. Wells</u>	RESIDING AT <u>104 Holly Dr</u>
<u>Richard D. Schmitz</u>	RESIDING AT <u>104 Holly Dr, New Windsor, NY</u> ¹²⁵⁵³
<u>John J. Schmitz</u>	RESIDING AT <u>101 Holly Drive New Windsor NY</u> ¹²⁵⁵³
<u>Eileen Callahan</u>	RESIDING AT <u>105 Pine Drive</u> " "
<u>J. R. McAffee</u>	RESIDING AT <u>103 Holly Dr., New Windsor, NY</u>
<u>J. Murrell-Maxfield</u>	RESIDING AT <u>103 Holly Dr., New Windsor, NY</u>
<u>Mary V. Lewer</u>	RESIDING AT <u>106 Holly Dr., NEW WINDSOR</u>
<u>Marjorie Taylor</u>	RESIDING AT <u>107 Holly Dr. New Windsor</u>
<u>Michael Baller</u>	RESIDING AT <u>109 Holly Dr, New Windsor, NY</u>
<u>John A. Starnant</u>	RESIDING AT <u>110 Holly Dr New Windsor NY</u>
<u>Jean R. Starnant</u>	RESIDING AT <u>110 Holly Dr, New Windsor, NY</u>
<u>John H. Plaut</u>	RESIDING AT <u>102 Holly Drive New Windsor</u>
<u>Patty Wein</u>	RESIDING AT <u>112 Holly Drive New Windsor, NY</u>
<u>John Schoenberger</u>	RESIDING AT <u>111 Holly Drive New Windsor, NY</u>
<u>Cathy A. Cahill</u>	RESIDING AT <u>116 Holly Dr New Windsor</u>
<u>J. Warren Cahill</u>	RESIDING AT " " " "
<u>Howard C. Flemming</u>	RESIDING AT <u>121 Chestnut Dr. New Windsor</u>

Mary G Hemming

RESIDING AT 121 Chestnut Drive N.W. NY.

Susan D Egidio

RESIDING AT 112 Chestnut Dr. NW. 12553

Walter T. Ryan

RESIDING AT 110 Chestnut Dr. N.W. N.Y. 12553

Julia M. Ryan

RESIDING AT 110 Chestnut Dr. New Windsor NY

Dawn Ryan

RESIDING AT 110 Chestnut Dr., New Windsor, NY 12553

Ed Malinowski

RESIDING AT 101 Chestnut Dr., N.W., NY 12553

William B. Ryan

RESIDING AT 100 Chestnut Dr. N.W. N.Y. 12553

Mellicent Ferrini

RESIDING AT 100 Chestnut Dr. N.W. N.Y. 12553

Anne Pullar

RESIDING AT 101 Laurel Ave

John R. Walsh

RESIDING AT 108 LAUREL DRIVE

Dilma Harris

RESIDING AT 110 Laurel Dr., New Windsor NY

Cynthia Kreutz

RESIDING AT 112 Laurel Dr. N.W.

J. M. Tittel

RESIDING AT 301 RT 9W New Windsor

Stane K. Mitchell

RESIDING AT 301 RT 9W New Windsor

John J. Martin

RESIDING AT 101 CHESTNUT DRIVE

Marcia Martini

RESIDING AT 101 Chestnut Drive, New Windsor

John Campbell

RESIDING AT 125 Quince Ave

Margaret S. Malone

RESIDING AT 106 Chestnut Dr., New Windsor

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

RESIDING AT

10'

TOYOTA II

Select Used Cars

Sales Office

5'

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

C.P. Mans/Toyota of Newburgh, Inc.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#91-34

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On January 16, 1992, I compared the 25 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
17th day of January, 1992.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

DATE			CLAIMED	ALLOWED
11/26/91	Zoning Board Meeting		75 00	
	Misc. - 3 pgs		\$13 50	
	Sciamauna - 8 pgs		36 00	
	Schoonmaker - 7 pgs		31 50	
	Mans / Toyota - 9 pgs		40 50	
	Ajudas Israel - 4 pgs		18 00	
	Cuti - 8 pgs		36 00	
		\$	250 50	
Richard J. Turner, C.				

~~MANS/TOYOTA OF NEWBURGH~~

MR. FENWICK: This is a request for a 26 square foot sign variance and 4 foot height variance to construct sign on property leased to Toyota of Newburgh, Inc., located on Route 9W in an NC zone.

Mr. Richard Gaillard came before the Board representing this proposal.

MR. GAILLARD: There's an existing structure there, you should have a drawing, it was given to the Building Inspector, you have an existing post there that is 19 feet high, that's not 19 feet away out from 9W and we're looking to put a sign on top of it that's 3 feet high and 12 feet wide and then inside it's like Y shaped pole putting four by five sign in it that would be double and the whole object of doing that is we have made some, you know, we have the building up and he has an existing sign that's on the building and an old sign, Sunoco sign that old, very old, it's all dilapidated. We wanted to take that down and put on a nice neat sign on the existing structure.

MR. FENWICK: Are you just extending the existing use that you have next door to use, just going to be which we have already given you a sign variance for for the existing business and this is just going to be an expansion of that existing business? This isn't going to be something else, this is going to be a repairing cars?

MR. GAILLARD: Selling cars. yes.

MR. FENWICK: Same thing?

MR. GAILLARD: Yes.

MR. LUCIA: This property is in different ownership?

MR. GAILLARD: Yes.

MR. FENWICK: Also, are you planning on leaving the signs that are on your existing business now and having this in lieu of those signs or continue to have all those sign in addition to the sign that you have on the building there now.

MR. GAILLARD: I'd like to take the sign that's on the building now, take it off because I think it's an eyesore.

MR. FENWICK: The existing building?

MR. GAILLARD: This sign is going to be in addition to them and I think --

MR. NUGENT: Two different pieces of property.

MR. LUCIA: I think that's a factor that the Board can consider, it's the same business even though it's two properties, if it's the same business, physically expanded to another property, it's a factor you can consider. I'm not saying it's determining one way or the other but something you should look at.

MR. FENWICK: Mike, what is legal?

MR. BABCOCK: This one as you can see, I didn't do this, my assistant did. He's got down here 30 square feet which I'm aware of the total is 56, if this is a double sided sign, I think it would be double that it would be 112. Is this sign going to be able to be seen from both directions?

MR. GAILLARD: Yes.

MR. BABCOCK: So, that is going to have to be modified.

MR. TORLEY: 112 square feet.

MR. BABCOCK: Right. The sign right now, the way I'm reading it top is 3 by 12 which is 36 and the bottom numbers I have here is approximately 4 by 5, it definitely is in a V shape which is 20 square feet, probably over the size that it really is that would be 56 square feet, if it's both sides then it would be 112 that they are asking for.

MR. FENWICK: And allowable is 30 and that's both sides?

MR. BABCOCK: Right.

MR. NUGENT: What happens to the existing sign that's

on the building?

MR. BABCOCK: There's a requirement for the size sign and you're allowed to have one sign on the pole and one sign on the building. I can get those tables if you want me to.

MR. FENWICK: We know that the one freestanding sign is 30 square feet total so we're looking at what is allowed on the building.

MR. GAILLARD: The one that is on the building currently cause he took it down before he left so the one that was up there that's --

MR. NUGENT: How big is the one on the pole now?

MR. GAILLARD: It's a Sunoco arrow and it's on a slant.

MR. NUGENT: All that's left is the arrow itself?

MR. GAILLARD: No, just like a metal structure with this rusty arrow on it.

MR. TORLEY: This is the sign on the building?

MR. BABCOCK: We are talking about item 6 in row N of the neighborhood commercial business signs. total side yard per establishment not to exceed 10% of the sign wall area.

MR. FENWICK: I'm sorry.

MR. TORLEY: If you're talking about the one on the building column N item 6 of the NC bulk table.

MR. NUGENT: Is that zoned NC?

MR. BABCOCK: Yes.

MR. FENWICK: What is allowable on the building?

MR. TORLEY: No more than 50 square feet and not to exceed 10% of the wall.

MR. BABCOCK: Not to exceed 10% of the sign wall area and in no event more than 50 square feet.

MR. FENWICK: Pretty good sized sign, whatever.

MR. BABCOCK: Five by 10 would be 50 square feet.

MR. FENWICK: And then he's allowed freestanding 30 square foot besides.

MR. BABCOCK: One freestanding total not to exceed 30 square feet total spaces. I think there was a misunderstanding either it was a double sided sign or Frank was not aware that it was.

MR. TORLEY: Is this business fronting on more than one street?

MR. GAILLARD: 9W.

MR. TANNER: If you look at both properties, it faces on two streets.

MR. FENWICK: This is the only property we are addressing.

MR. NUGENT: The only one we're addressing is the new one.

MR. BABCOCK: So that should be revised to say that he's allowed 30, his request would be 112 and the variance or the availability you're proposing is 112 and the variance request would be 82 square feet.

MR. FENWICK: If I can remember correctly, the variance that we gave them for the building, the other building although I know this is a different case, but it was still to recognize this one business entity was quite a bit.

MR. FINNEGAN: Because of the speed of the traffic flowing through there and because it was down, you have to put the sign up very high.

MR. FENWICK: There were several things that came into play why we had given you the original variance for this property.

MR. NUGENT: That one was on two streets.

MR. FENWICK: That is right.

MR. GAILLARD: That was for the new car dealership, correct?

MR. NUGENT: No, the one next door.

MR. TORLEY: The tax map here shows lot 3 is the one under discussion and the other business aspect of the business occupies lots 4, 5 and 6.

MR. LUCIA: Might be, I'm not sure how deep that piece is.

MR. KONKOL: You have a very sizeable sign which we granted already which is down on the corner of Walsh Road and 9W.

MR. GAILLARD: That was an existing sign.

MR. KONKOL: You came in and we gave you a new sign that's there now, sticks up quite high, variance not too long ago I would say in the last year, you know, this business even though it's another property, still the same business. Why can't you put the signs to make them conform on the building because you have enough exposure there now?

MR. GAILLARD: One of the thoughts behind it was that even though we have done the building in the same manner as the other one and we have moved the cars over there, one is for, you know, identification, trying to get it to coincide with the other building. As I recall last year, when we had the Craig building, there's only one sign that's on the Craig building, on the Craig property right now and that was an existing, it was an existing sign double sided sign.

MR. FENWICK: That sign was probably in excess of the law to start with and if you change that sign in any way, shape or form --

MR. GAILLARD: We changed the location.

MR. FENWICK: Change what the sign says, even if you were to make the sign smaller than what the existing one is, if the existing sign was nonconforming to start off with, you'd have to come back in here once that sign is gone, once it changes letters, whatever it

changes it's use, it's no longer the existing sign.

MR. LUCIA: What the Board is trying to give you a sense of is that when Toyota or Craig or both of them came in for the last application, they were granted a fairly substantial sign area and sign height variances. You're now coming in with admittedly different pieces of property but extending the same business to it and I think what the Board is having difficulty with is due to the magnitude of your variance request whether two adjacent pieces of property admittedly in separate ownership use for the same business ought to have that large a sign. Whether you want to go back to the principles and discuss the possibilities of scaling down this application or whether you want to proceed, that is your decision. The Board is giving you a sense that seems like a lot on an adjacent piece of property to have two very dramatic sign area variances.

MR. GAILLARD: It was an existing structure, that's why we decided to put the sign on that.

MR. LUCIA: The Board is not saying that you are not entitled to a sign but I think you're coming in for an 82 square sign variance and height variance also is it, Mike?

MR. BABCOCK: Yes.

MR. LUCIA: Maybe on two adjacent pieces of property that's a lot.

MR. FENWICK: You're allowed 50 square foot on the building. That's a substantial sign.

MR. GAILLARD: That is one sided.

MR. FENWICK: Ten percent whichever is less ten percent of the available sign space on the front of the building or 50 square feet whichever is less and the 50 square feet turns out to be less, that's still a substantial sized sign. You're allowed a 30 square foot, that allows 30 square feet that's both sides of a freestanding sign.

MR. GAILLARD: If I decided to modify what I have there an to maybe go with just the 12 by 3 sign that would be on top then I'd be looking at 72 square feet, correct?

November 25, 1991

23

MR. FENWICK: Correct.

MR. LUCIA: And you'd only need a --

MR. FENWICK: Your variance would be 42 feet.

MR. GAILLARD: Okay, and the other alternative is how to fix up the sign that is there on top of the building and, you know, that would amount to say plywood sign that would be bolted to the existing frame taking down the Sunoco.

MR. TANNER: That's on top of the building?

MR. GAILLARD: Yeah.

MR. FENWICK: Can't do that too.

MR. TANNER: Has to be fastened to the building.

MR. BABCOCK: Yes.

MR. GAILLARD: He had had his sign, I don't know if he was in compliance with the law but that was what he had on that. There probably wasn't any sign that was bolted so you say just the front and back part of the arrow and it says Mans Brothers, RV Campers.

MR. FENWICK: Never mind that wasn't legal.

MR. LUCIA: Never came here.

MR. GAILLARD: So, I wouldn't need anything to take down that sign regardless, correct?

MR. FENWICK: No, the sign --

MR. GAILLARD: The one that's on there, I can take down of my own free will?

MR. TORLEY: You can take down whatever sign you want.

MR. FENWICK: I would really if I were you, here we're discussing it over and over again if you were to sit down with Mike, the feeling of the Board or my feeling anyway if you were to bring this in compliance with the law, get it in compliance with the law, you'll find out

you have quite a bit of room and lets make sure the sign gets put in the right place, it's on the face of the building. If you want to apply for a variance now, if you were replacing existing signs.

MR. GAILLARD: We're talking about putting a sign on the existing pole.

MR. NUGENT: Or 30 square feet.

MR. FENWICK: Well, it's not that big but it would be a 3 foot by 5 foot double sided sign, would give you 30 square feet.

MR. LUCIA: Unless you can cut the pole down, that's going to probably exceed the maximum allowable height for a sign.

MR. GAILLARD: Okay.

MR. LUCIA: You have an absolute right to proceed with your application as stated or if you'd rather go back and discuss it, we can table it and you can come back with some alternative proposal. That has to be your decision.

MR. GAILLARD: Okay, I'm going to need a permit to put anything, even if it's a couple square feet above if I'm going to put something on the building.

MR. FENWICK: You need a building permit no matter what you put up but if you can keep it within the confines of the law, you won't have to come back here.

MR. TORLEY: You won't have to spend the money for a public hearing.

MR. GAILLARD: All right, I'm going to have to go back and decide, you know, what I want to do, whether it's going to go on the building if I want to pursue it or get a smaller sign.

MR. NUGENT: Make a motion to table.

MR. KONKOL: I'll second.

ROLL CALL:

November 25, 1991

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Mr. Finnegan	Aye
Mr. Tanner	Aye
Mr. Konkol	Aye
Mr. Nugent	Aye
Mr. Torley	Aye
Mr. Fenwick	Aye

MR. FENWICK: If you do come back, bring that letter of authorization from the proper owners to proceed with the variance.

MR. GAILLARD: Okay, thank you.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

91-34

Date: 01/13/92

I. Applicant Information:

- (a) C. P. MANS, P. O. Box 247, Vails Gate, N. Y. 12584 x
(Name, address and phone of Applicant) (Owner)
- (b) TOYOTA OF NEWBURGH, INC., 96 Route 9W, New Windsor, N.Y. - Lessee
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) NC 334 Route 9W, New Windsor, N.Y. 14-3-3 1 acre +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? n/a
- (d) When was property purchased by present owner? 11/21/83
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____
- _____

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

n/a

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: n/a

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

n/a

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18 _____, Table of Supp. Sign Regs., Col. _____ and Section 48-12 - Table of Use/Bulk Regs.-Col. N-Permitted Accessory Signs

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	30 s.f.	50 s.f.	20 s.f.
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs.

Applicant, Toyota of Newburgh, Inc., will remove all antiquated signs which are presently on the property and replace the building sign with a new structure 5 x 10 in size. Since Route 9W in the area of applicant's site is a well-traveled highway and motorists typically pass the subject site at from 40 to 45 m.p.h., depending upon traffic, signage identifying the property is essential to the operation of business in this area. This site will no longer be used as a repair garage as has been the case for the past several years.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?
50 s.f. total sign area on premises proposed.

VII. Interpretation. n/a

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be only one sign on the premises and that will be the sign on the roof structure. All other signs will be removed. The new sign will be of a design and style which will be pleasing to the eye and will enhance the parcel.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of deed and title policy.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Check in the amount of \$ 150.00 & payable to TOWN OF NEW WINDSOR. 250.00
- ☒ Photographs of existing premises which show all present

X. Affidavit.

Date: 01/13/92

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Handwritten signature]

Sworn to before me this

1796 day of January, 1992.

XI. ZBA Action:

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993

(a) Public Hearing date:

(b) Variance: Granted () Denied ()

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Rec'd.
ZBA 1/21/92 (PAB)

January 20, 1992

To whom it may concern;

Please be advised that I, as the property owner
of #334 Route 9W grant permission to Toyota of Newburgh, Inc.
to install a sign on top of the building.

Clarence (Casey) Manns

X Clarence Casey Manns



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

25

January 15, 1992

Rich Gaillard
Toyota
96 Route 9W
New Windsor, NY 12553

Re: Variance List 500 ft./ 14-3-3
Casey P. Mans

Dear Mr. Gaillard:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit balance of \$20.00 to the Town Clerk's office.

Sincerely,

Leslie Cook
LESLIE COOK
Sole Assessor

LC/cp
Attachments
cc: Pat Barnhart

American Felt & Filter Co.
34 John Street
New Windsor, NY 12553

Patterson Materials Corp.
20 Harlem Ave.
White Plains, NY 10603

Silver, Barry B. Esq. &
Forrester, Michael H. &
Schisano, R.
328 Route 9W
New Windsor, NY 12553

Craig, Warren S. & Edith F.
10 Wintergreen Ave.
Newburgh, NY 12550

Central Hudson Gas & Electric Corp.
c/o Tax Agent
284 South Avenue
Poughkeepsie, NY 12602

Petrolli Enterprises Inc.
PO Box 928
Vails Gate, NY 12584

Ward, Donna
PO Box 4072
New Windsor, NY 12553

Malinowski, Thaddeus P.
101 Chestnut Drive
New Windsor, NY 12553

Simanoski, John Joseph Jr. & Helen I.
109 Quassaick Avenue
New Windsor, NY 12553

Sherow, Leroy & Catherine
103 Chestnut Drive
New Windsor, NY 12553

Valentine, Nicholas
321 Route 9W South
New Windsor, NY 12553

Kaknis, John & Mary Jane
107 Chestnut Drive
New Windsor, NY 12553

O'Neill, John F. & Agnes A.
109 Chestnut Drive
New Windsor, NY 12553

Pullar, W. James
101 Laurel Drive
New Windsor, NY 12553

Levine, Arthur B. & Millicent
100 Chestnut Drive
New Windsor, NY 12553

Carey, William
400 E. Randolph St. #3701
Chicago, Illinois 60601

Colone, Frank G. & Margaret
106 Chestnut Drive
New Windsor, NY 12553

Calvary Cemetery
St. Patricks Church
55 Grand Street
Newburgh, NY 12550

Reis, Frank H.
79 North Front Street
Kingston, NY 12401

Abbott, Margaret K.
98 Gardnertown Road
Newburgh, NY 12550

Carfora, Geraldine
93 St. Andrews Road
Walden, NY 12586-2614

Saffioti Bros. Inc.
61 Quassaick Ave
New Windsor, NY 12553

Dobetsky, Francis
89 Harrigan Road
Hopewell Junction, NY 12533

Espana, Mario A. & Ezenia
325 Verona Avenue
Newark, New Jersey 07104

Plotkin, David
Shore Road
Tomahawk Lake
Blooming Grove, NY 10914

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Prelim.
1/13/92

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 1/2/92

APPLICANT: TOYOTA OF NEWBURGH
96 RT. 9-W
NEW WINDSOR NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (BUILDING PERMIT) SIGN Permit

LOCATED AT 334 RT 9-W (TOYOTA II)

ZONE N-C

DESCRIPTION OF EXISTING SITE: SEC: 141 BLOCK: 3 LOT: 3

USED CAR LOT - TOYOTA II

IS DISAPPROVED ON THE FOLLOWING GROUNDS: Sign Exceeds

MAX OF 10% TOTAL SIGN WALL

AREA

Robert Liss
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE N-C USE N-8

SIGN _____

FREE STANDING _____

HEIGHT _____

9/6 RT. 9-W
NEW WINDSOR NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED _____

FOR (BUILDING PERMIT) SIGN Permit

LOCATED AT 334 RT 9-W (TOYOTA II)

ZONE N-C

DESCRIPTION OF EXISTING SITE: SEC: 14 BLOCK: 3 LOT: 3

USED CAR LOT - TOYOTA II

IS DISAPPROVED ON THE FOLLOWING GROUNDS: Sign Exceeds
MAX of 10% TOTAL SIGN WALL
AREA

Grant Liss
BUILDING INSPECTOR

<u>PERMITTED</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>N-C</u> USE <u>N-8</u>		
SIGN _____	_____	_____
FREE STANDING _____	_____	_____
HEIGHT _____	_____	_____
WALL SIGNS _____	_____	_____
TOTAL ALL SIGNS <u>30 sq ft</u>	<u>50 sq ft</u>	<u>20 sq ft</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

914) 563-4630
CC: Z.B.A., APPLICANT, B.P. FILE

X

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Clarence (Cory) Manns (Twp of Newburg)
Address 334 Rt 9W Phone Lessee
Name of Architect 561-03410 Rich
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the North side of Rt 9W
and 36 feet from the intersection of Rt 9W + 99
(N.S.E. or W.) NC
2. Zone or use district in which premises are situated NC Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 14 Block 3 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other 590
6. Size of lot: Front Rear 100 Depth 125 Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____

CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Clarence (Cory) Manns (Twp of Newburgh)
Address 339 Rt 9W Phone Lessee
Name of Architect 561-03410 RICH
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the North side of Rt. 9W
(N.S.E. or W.)
and 36 feet from the intersection of Rt. 9W + 9A
2. Zone or use district in which premises are situated NC Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 14 Block 3 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other SPD
6. Size of lot: Front Rear 100 Depth 95 Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
(to be paid on this application)
11. School District _____

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

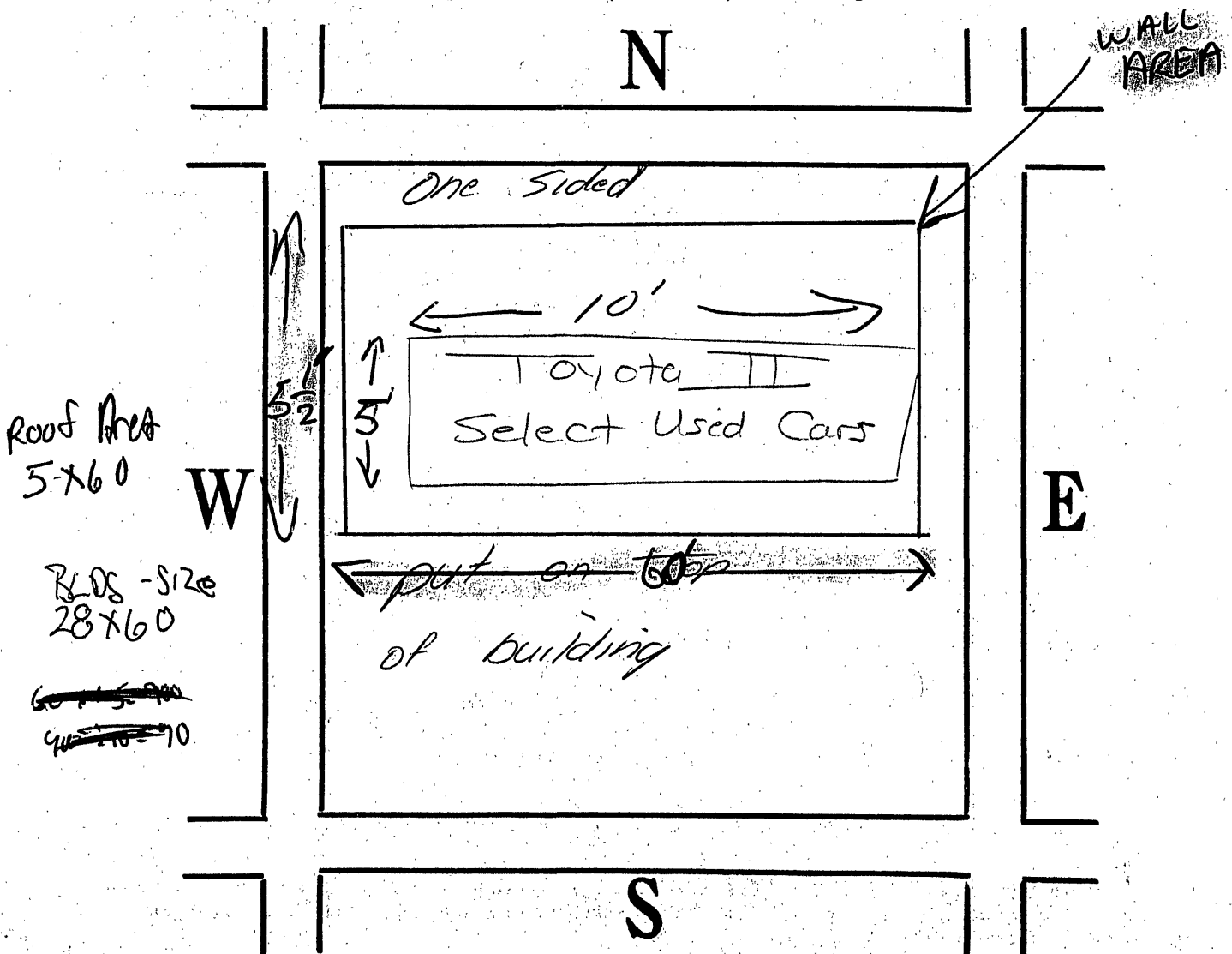
.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 9

SECTION 13

SECT

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 34

Request of C.P. MANS and TOYOTA OF NEWBURGH, INC.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit the placement of a sign on the building

wall with more than the allowable sign area;

being a VARIANCE of

Section 48-18 - Supplementary Sign Regulations and
Section 48-12 - Table of Use/Bulk Regs.- Col. N
for property situated as follows:

Route 9W, New Windsor, N.Y. known and designated

as tax map Section 14 - Blk. 3 - Lot 3.

SAID HEARING will take place on the 27th day of
January, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman